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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,057	10/21/2004	Yoshio Tokuhashi	1248-0754PUS1	8608

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EXAMINER
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NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

NOTIFICATION DATE	DELIVERY MODE
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04/24/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/512,057	TOKUHASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20041021 and 20050121</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

1. This Office Action is responsive to the Preliminary Amendment filed on 10/21/2004. Claims 5-7, 9, 11, 15-17, 19, 21-24 and 27 have been amended. Claims 28-32 have been added as new claims. Claims 1-32 are presented for examination.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 2002-121505, filed on 04/23/2002.

***Information Disclosure Statement***

3. The information disclosure statements (IDSes) submitted on 10/21/2004 and 01/21/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**6. Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

7. As to claims 1-32, it appears that claims 1-32 would reasonably be interpreted by one of ordinary skill as a system of “software per se”, failing to fall within a statutory category of invention. Applicant’s disclosure contains no explicit and deliberate definition for the term “means”, and in the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the “means” as software applications. As such, the system of “means” alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claims are not limited to statutory subject matter and are therefore nonstatutory.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Makoto (JP 2000-224673).**

10. As to claim 1, **Makoto** teaches a device control management apparatus, comprising:

first communication means (*remote control commanders 5A-5C*) connected to each of communication devices (*each of video sources 6A-6C*) via each of first communication paths (**Makoto, Fig. 1 and paragraphs [0014] and [0024]**;

second communication means (*subunits 2A-2C*) connected to each of controlled devices (*each remote controls 1A-1C*) via each of second communication paths (**Makoto, Fig. 1 and paragraphs [0014] and [0024]**); and

control right management means (*network box/management section 4*) for managing a control right that is set between the communication device connected to the first communication means and the controlled devices connected to the second communication means (*acquisition or release of operation of each of video sources 6A-*

*6C and the right of priority of each remote controls 1A-1C via each subunits 2A-2C is controlled by the network box/management section 4) (Makoto, Fig. 1 and paragraphs [0014] and [0024].*

11. As to claim 2, **Makoto** teaches the device control management apparatus as set forth in claim 1, wherein the control right management means is capable of obtaining or releasing the control right, which allows the communication device connected to the first communication means to control the controlled device, connected to the second communication means, as management of the control right (**Makoto, Fig. 1 and paragraphs [0026-0039]**).

12. As to claim 3, **Makoto** teaches the device control management apparatus as set forth in claim 1, comprising communication management means for detecting a communication condition of at least one of the first communication path and the second communication path (*detecting a user operates the remote control 1A to send out the infrared remote control signal 10 to the subunit 2A*), wherein the control right management means is capable of changing a setting of the control right in accordance with variation of the communication condition detected by the communication management means (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (**Makoto, Fig. 1 and paragraphs [0026-0027] and [0034-0039]**).

13. As to claim 4, **Makoto** teaches the device control management apparatus as set forth in claim 3, wherein in case where the communication management means detects that a communication of at least one of the first communication path and the second communication path is cut off (*wherein the network box 4 detects the release bit 43 from the control signal 40*), the control right management means releases the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*in release of a right of priority, the network box 4 cancels the operation of control to the video source 6A from other subunit 2A-2C*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

14. As to claim 5, **Makoto** teaches the device control management apparatus as set forth in claim 3, wherein in case where the communication management means detects that a communication of at least one of the first communication path and the second communication path is established (*detecting the command control signal 40 from subunit 2A*), the control right management means establishes the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

15. As to claim 6, **Makoto** teaches the device control management apparatus as set forth in claim 3, wherein in case where the setting of the control right is changed, the control right management means notifies how the control right is changed to the communication device or the controlled device that is connected to the other of the first communication path and the second communication path (*when it is the command control signal 40 as a result of distinction of the kind of data, the network box 4 distinguishes whether right-of-priority inclusion or the release bit 43 is acquisition of a right-of-priority, or it is release and then the right-of-priority can be granted to a specific subunit*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

16. As to claims 7-8, **Makoto** teaches the device control management apparatus as set forth in claim 1, comprising setting input means which is capable of inputting the setting of the control right not via the first communication means, wherein in case where the setting input means inputs the setting of the control right, the control right management means prioritizes the setting of the control right that has been inputted (*the remote controls 1A-1C inputs the setting of the control right and the network box/management section 4 prioritizes the setting of the control right that has been inputted*) (**Makoto, Fig. 1 and paragraphs [0017-0021]**).

17. As to claims 9-10, **Makoto** teaches the device control management apparatus as set forth in claim 1, comprising display means which is capable of displaying a setting condition of the control right, wherein the display means is capable of displaying a



relationship between the control right and the communication device having the control right as the setting condition (*as well-know in the art, the network box/management section 4 and/or the remote controls 1A-1C could have a display monitor/panel for displaying the status/condition of the home network*).

18. As to claim 11, **Makoto** teaches the device control management apparatus as set forth in claim 1, wherein the second communication means and the controlled device are provided in the device control management apparatus (*as well-known in the art, the subunits 2A-2C and the remote controls 1A-1C could be provided with and/or embedded/implemented as input buttons in the network box/management section 4*).

19. Claims 12-27 are corresponding device control management apparatus claims that contain similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

20. As to claim 28, **Makoto** teaches the device control management apparatus as set forth in claim 1, wherein the device control management apparatus confirms a control right condition set in the controlled device when relaying a controlled device operation command sent from the communication device, and the device control management apparatus stops sending the controlled device operation command sent from the communication device or an operation command corresponding to the controlled device operation command in case where a device other than the

communication device has the control right for the controlled device (*in acquisition of a right of priority, the network box 4 forbids the operation to other subunit 2Bs and the video source 6A from subunit 2C*) (**Makoto, paragraphs [0038-0041]**).

21. As to claim 29, **Makoto** teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus adds the control right for the controlled device to a communication device which has sent the controlled device operation command in case where no device has the control right for the controlled device (**Makoto, paragraph [0036]**).

22. As to claim 30, **Makoto** teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus releases the control right for the controlled device in case where the communication device which has sent the controlled device operation command is identical with a device having the control right that has been set with respect to the controlled device on the basis of the controlled device operation command (**Makoto, paragraph [0039]**).

23. As to claim 31, **Makoto** teaches the device control management apparatus as set forth in claim 28, wherein the control management means adds or releases the control right in accordance with a type of the control command (*adds or releases the control right in accordance with the result of distinction of the kind of data whether bit 43 is acquisition of a right of priority, or a release*) (**Makoto, paragraphs [0036-0039]**).

24. Claim 32 is a corresponding device control management apparatus claim that contains similar limitation of claim 11; therefore, it is rejected under the same rationale .

25. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

26. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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/Quang N. Nguyen/  
Primary Examiner, Art Unit 2141